

May 2004

Update: Juvenile Traffic Benchbook

CHAPTER 7

Abstracts, Expungement of Records, & Setting Aside Adjudications

7.1 Requirements for Sending Abstract of Court Record to Secretary of State

A. Time Requirements for Violations of the Michigan Vehicle Code and Other Criminal Traffic Offenses

Insert the following language at the bottom of page 7-2:

Effective May 3, 2004, 2004 PA 62 added the following provision to MCL 257.732:

“(5) Beginning September 1, 2004, the clerk of the court shall also forward an abstract of the court record to the secretary of state if a person has plead guilty to, or admitted responsibility as a juvenile for, a violation of . . . MCL 436.1703, or a local ordinance substantially corresponding to that section, and has had further proceedings deferred under that section. If the person is sentenced to a term of probation and terms and conditions of probation are fulfilled and the court discharges the individual and dismisses the proceedings, the court shall also report the dismissal to the secretary of state.”

CHAPTER 8

Procedures for Civil Infractions

8.30 Civil Fines

Replace the second bullet in the October 2003 update to page 8-37 with the following:

- Failure to produce evidence of insurance—not more than \$50.00 plus costs. MCL 257.328.*

*Effective May 1, 2004. 2004 PA 52.

CHAPTER 8

Procedures for Civil Infractions

8.33 Waiving Civil Fines, Court Costs, and Assessments*

Add the following language to the October 2003 update to page 8-39:

- For failing to produce a certificate of insurance—“upon receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation . . . occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.” MCL 257.907(16).*

If the court receives verification, before the appearance date on the citation, that the driver possessed valid insurance at the time of the violation, the court *may* waive the fee described under MCL 257.328(3)(c) (a discretionary fee of not more than \$25.00). MCL 257.907(16).

*Section title was amended by October 2003 update.

*Effective May 1, 2004. 2004 PA 52.

CHAPTER 8

Procedures for Civil Infractions

8.38 Points

In the October 2003 update to page 8-43, replace the first paragraph and the quote following it with the following:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a(1) to include points assessed for violations of section 629c* as well as section 320a. As amended, MCL 257.732a(1) provides:

“An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.”

Effective May 1, 2004, 2004 PA 52 also added the following provision to MCL 257.732a:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

*MCL 257.629c deals with speeding violations on limited access freeways where the limit is 55 mph or more.